

*This meeting will be televised live on Channel 55 or
channel 5 or 6 for cable ready sets; repeated on 8/3/01 at 8 pm
and 8/4/01 at 9 am*

Tuesday, July 31, 2001

8:30-9:00 **Breakfast Meeting** with the County Executive (*Executive Office Building*)

(1) 9:15 **DISCUSSION** - State Legislative Program (*6th floor Council Conference Room*) (Bialek)

10:15 **INVOCATION** - Reverend Scott Winnette, Bradley Hills Presbyterian Church, Bethesda

10:20 **GENERAL BUSINESS**

A. **Announcements:** (Lauer)

- Agenda and Calendar Changes
- The public hearing on the Policy Element of the FY03 Annual Growth Policy will be held on September 11, 2001, at 7:30 pm.
- The public hearing on the Spending Affordability Guidelines for FY03 Capital Budget will be held on September 13, 2001, at 7:30 pm.

B. **Action** - Approval of Minutes: July 12 and July 17, 2001 (Edgar)

(2) 10:25 **CONSENT CALENDAR**

A. **Introduction/Suspension of Rules/Action** - Resolution to approve a Certain Finance Plan of the Washington Suburban Sanitary Commission for the Issuance of Refunding Bonds (Levchenko)
Request to suspend Rules of Procedure (Rule 7c) to allow immediate action.

B. **Introduction** (Sitting as Board of Health) - Resolution to approve Bill 18-01, Massage Businesses - Licensing, as a Board of Health regulation (Faden)
Public Hearing is scheduled for 9/11/01 at 1:30 pm.

C. **Introduction** - Resolution to declare intent to establish Clarksburg Village and Clarksburg Skylark Development Districts (Faden)
Public Hearing is scheduled for 9/11/01 at 1:30 pm.

D. **Introduction** - Special Appropriation to the County Government's FY02 Operating Budget, Information Technology Initiatives Non-departmental Account - \$980,000 for Acquisition of an electronic messaging system (Source: General Fund Reserves)(Trombka)
*MFP Committee worksession tentatively scheduled for 9/10/01 at 2:00 p.m.;
Public Hearing scheduled for 9/11/01 at 1:30 pm.*

July 31, 2001 - Page 2

(2) 10:25 **CONSENT CALENDAR (continued)**

- E. **Introduction** - Special Appropriation to the M-NCPPC FY02 Capital Budget and amendment to the FY01-06 Capital Improvements Program - \$1,670,000 for the Bonifant Road Landfill Closure (Source: General Obligation Bonds) (Trombka/Michaelson)
Public Hearing scheduled for 9/11/01 at 1:30 pm.

- F. **Action** - Resolution to approve the schedule of FY02 revenue estimates and appropriations (Sherer)

- G. **Action** - Appointments to Blue Ribbon Task Force on the Development of a Model Mental Health System (Planell/McGuire)

- H. **Action** - Resolution to establish Task Force on the Long Branch Area of East Silver Spring (Wilson)

- I. **Action** - Resolution to establish Annual Fee for Enforcement of Special Exceptions (Hughes)
T&E Committee recommendation will be available 7/30/01.

- J. **Action** - Extension of time for Council action on resolutions due to expire August 31, 2001 (Edgar)

- K. **Action** - Resolution to Extend and Expand the Live Near Your Work Program (Trombka)
PHED Committee recommends approval.

- L. **Action** - Appointment to Nominating Committee for Board of Trustees of Montgomery College: Robert C. Maddox (Ferber)

- M. **Action** - Confirmation of County Executive appointments to the Mid-County Citizens Advisory Board: Anne Kaiser; Marshall B. Kramer; Alec J. Stone; Walter S. Booth; Charles M. Hosten; Taren Coleman; Hyman S. Park (Ferber)

- N. **Action** - Confirmation of County Executive appointments to the Energy and Air Quality Advisory Committee: Mary Fowler; Robert J. Brown; John Lattanzio; Jason A. Holstine; J. Michael Galway; Joan Rohlfs (Ferber)

- O. **Action** - Confirmation of County Executive appointments to the Commission on Juvenile Justice: Cheryl Johnson; Judith Morenoff; Ronald I. Weiner; Luisa Heredia-Sauseda; Leon T. Geter; Howard Goldblatt; Steven Mandel; Jeffrey M. Penn; Nancy L. Connors; Daniel E. Farrington; Marlene Beckman; Brian Harradine; Loretta Shapero (Ferber)

- P. **Action** - Confirmation of County Executive appointment to the Alcoholic Beverages Advisory Board: David Friedman (Ferber)

- Q. **Action** - Confirmation of County Executive appointments to the Mental Health Advisory Committee: Bryant L. Welch; Maureen Fama; Joan M. Logan; Nieves Maria Zaldivar, M.D.; Duchy Brecht-Trachtenberg; June I. Moon (Ferber)

- R. **Action** - Confirmation of County Executive appointments to the Commission on Health: Sacared Bodison, M.D.; Peter Monge; Barbara Galen; Nancy J. Miller; Dorothy E. Millon, M.D.; Wayne E. Sauseda (Ferber)
- S. **Action** - Confirmation of County Executive appointment to the Sign Review Board: Diana M. Campbell (Ferber)
- T. **Action** - Confirmation of County Executive appointments to the Interagency Coordinating Board for Community Use of Public Facilities: Karen Gallant Askin; Henry Lee, DDS (Ferber)

- (3) 10:35 **ACTION** - Resolution to appoint the Director of the Office Zoning and Administrative Hearings: Françoise M. Carrier (Wilson)
- (4) 10:40 **ACTION** - Resolution to establish a Task Force on Community Serving Uses (Wilson)
- (5) 10:50 **ACTION** - PHED Committee report and recommendation on approach to reuse of National Park Seminary in Forest Glen (Arthur)

11:00 **DISTRICT COUNCIL SESSION**

- (6) A. **Introduction** - Zoning Text Amendment 01-07, Research and Development Zone - Maximum Density Calculation - Mechanical Equipment (Wilson)
Action - Resolution to set public hearing for 9/11/01 at 1:30 pm.
- (7) B. **Action** - Zoning Text Amendment 01-04, Cemetery in connection with Funeral Parlor - RDT Zone (Wilson)
PHED Committee recommendation will be available 7/30/01.

11:10 **LEGISLATIVE SESSION** Day #24

- A. Approval of Legislative Journal - July 17, 2001 (Edgar)
- B. Introduction of Bills
- (8) • **Bill 27-01**, Development Impact Tax - Amendments, sponsored by Councilmember Praisner (Faden/Orlin)
Public Hearing is scheduled for 9/11/01 at 7:30 pm.
- (9) • **Bill 28-01**, Tenant Displacement - Revisions, sponsored by the Council President at the request of the County Executive (Cogan)
Public Hearing is scheduled for 9/11/01 at 1:30 pm.
- (10) • **Bill 29-01**, Historic District - Notice to Buyers, sponsored by Councilmember Praisner (Faden)
Public Hearing is scheduled for 9/11/01 at 1:30 pm.
- (11) • **Bill 30-01**, Recordation Tax - Amendments, sponsored by Councilmember Subin (Faden)
Public Hearing is scheduled for 9/11/01 at 1:30 pm.

C. Call of Bills for Final Reading

- (12) • **Emergency Bill 25-01**, Personnel - Retirement - Amendments (Faden)
 MFP Committee recommendation will be available 7/26/01.
- (13) • **Emergency Bill 36-00**, Commission on Landlord-Tenant Affairs - Membership (Faden)
 PHED Committee recommends approval with amendments.

12:15 **RECESS**

- (14) 1:30 **PUBLIC HEARING/ACTION** - Supplemental Appropriation to the County Government's FY02 Operating Budget, Montgomery County Fire and Rescue Service - \$1,235,953 for renovation of stations and acquisition of fire and rescue equipment and supplies (Source: State grant funds) (Davidson)
- (15) 1:30 **PUBLIC HEARING/ACTION** - Special Appropriations to the County Government's FY02 Operating Budget, Department of Public Works and Transportation, Division of Transit Services: (Orlin)
- \$897,510 for a Transit Initiative (Source: Mass Transit)
 - \$3,400,000 for SmartCard Fareboxes (Source: State funds)
 T&E Committee recommendation will be available 7/30/01.
- (16) 1:30 **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government's FY02 Operating Budget, Department of Public Works and Transportation - \$1,279,260 for Build Out for the Emergency Communications Center at 1300 Quince Orchard Boulevard (Source: General Fund Reserves) (McMillan)
 PS Committee recommendation will be available 7/26/01.
- (17) 2:00 **ACTION** - Oral Argument followed by Consideration of Hearing Examiner's Report and Recommendation: (Wilson)
- Application No:** DPA 01-3
- Applicant:** Traville Development Corporation (Stephen P. Elmendorf, Attorney)
- Request:** Amend the diagrammatic plan approved for G-718 to delete the Conference Center use, reduce maximum amount of non-residential development, relocate the park, R&D uses, and housing, and other changes to benefit the environment
- Property:** South of Darnestown Road and East of Travilah Road, Gaithersburg (192 acres; 4th Election District)
- Recommendations :**
- | | |
|-------------------|---------|
| Planning Staff: | Approve |
| Planning Board: | Approve |
| Hearing Examiner: | Approve |

3:15 **ADJOURN**

Memorandum reporting Receipt of Petitions for Council

PUBLIC HEARINGS

September 11, 2001

- 1:30 pm Zoning Text Amendment 01-07, Research and Development Zone - Maximum Density Calculation - Mechanical Equipment
- 1:30 pm **Bill 26-01**, Board of Social Services - Membership
- 1:30 pm **Bill 28-01**, Tenant Displacement - Revisions
- 1:30 pm **Bill 29-01**, Historic District - Notice to Buyers
- 1:30 pm **Bill 30-01**, Recordation Tax - Amendments
- 1:30 pm Resolutions to declare intent to establish Clarksburg Village and Clarksburg Skylark Development Districts
- 1:30 pm Resolution to approve Bill 18-01, Massage Businesses - Licensing, as a Board of Health regulation
- 1:30 pm Special Appropriation- \$980,000 for Acquisition of an electronic messaging system
- 1:30 pm Special Appropriation - M-NCPPC - \$1,670,000 for the Bonifant Road Landfill Closure
- 7:30 pm **Bill 27-01**, Development Impact Tax - Amendments
- 7:30 pm FY01 Annual Growth Policy - Policy Element

September 13, 2001

- 7:30 pm Spending Affordability Guidelines for FY03 Capital Budget

COUNCIL MEETINGS

Note: See the IN COMMITTEE for a listing of the Committee meetings currently scheduled.

Aug 6 - Sep 7, 2001

Aug 15 - 17, 2001

Sept. 3, 2001

Sept. 11, 2001

8:30 am

Sept. 11, 2001

9:45 am

Sept. 24, 2001

7:30 pm

Sept. 25, 2001

8:30 am

Sept. 25, 2001

9:00 am

Council Recess

MACo Summer Conference

Labor Day Holiday

Breakfast Meeting with Housing Opportunities

Commission

Regular Session

Town Meeting at Tilden Middle School, Rockville

Meeting with County Attorney

Regular Session

NOTICE:

THE NEXT COUNCIL SESSION IS SCHEDULED FOR SEPTEMBER 11, 2001. THE NEXT MAILING OF THE COUNCIL AGENDA AND IN-COMMITTEE SCHEDULE WILL BE ON SEPTEMBER 6, 2001.



If persons with disabilities need services or aides to participate in any Council activity, please call 240-777-7900 five days in advance. This agenda is available in an alternative format upon request.

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**COUNCIL SEEKS APPLICANTS FOR POSITION ON MONTGOMERY COUNTY PLANNING
BOARD**

Deadline 5:00 P.M. September 4, 2001

The Montgomery County Council is seeking applicants for Montgomery County Planning Board for the expiring term of William H. Hussmann (Democrat). Mr. Hussmann's term expired on June 14, 2001, and he will not apply for reappointment. Mr. Hussmann had been designated by the Council as Chairman of the Planning Board. On July 10 the County Council designated Arthur Holmes, Jr. as full-time Chairman of the Montgomery County Planning Board.

No more than three members of the Planning Board may be from the same political party, and all members must be residents and registered voters of Montgomery County when appointed. Members serve four-year terms and are limited to two full terms. This position can be filled by a Democrat (D), Republican (R), or an Independent (I). Current members are: William Hussmann, Chairman (D), Allison Bryant (R), Arthur Holmes, Jr. (D), Wendy Collins Perdue (D), and Meredith K. Wellington (R). Annual compensation for Board members is \$18,500.

The Planning Board serves as the Council's principal adviser on land use planning and community planning. Planning Board members also serve as Commissioners of the Maryland-National Capital Park and Planning Commission. Some of the Board's responsibilities with regard to planning are: 1) preparation and amendment of the County General Plan; 2) preparation and amendment of the Master Plans and functional plans; 3) formulation of subdivision regulations; 4) preparation of or recommendations on Text Amendments to the Zoning Ordinance; 5) implementation of the subdivision process by reviewing and approving all preliminary plans, site plans, and other plans for development; 6) advice on the planning implication of capital facilities and programs of the County Government, Montgomery College, WSSC and Montgomery County Public Schools; and 7) approval of the work program and the annual operating budget for the Park and Planning Department and Central Administrative Services.

The Planning Board sits as the Park Commission and approves the annual operating budget and Capital Improvements Program for the County park system, land acquisition contracts and major development contracts for parks, development plans for individual park facilities, policies for park operations, and park user fees. These functions require a meeting at least once each month.

The Montgomery County Planning Board meets all day every Thursday. The entire Maryland-National Capital Park and Planning Commission meets the second Wednesday of every month. Two full days a week are spent in meetings. Substantial additional time is required for preparatory work and other activities related to Planning Board responsibilities.

Letters expressing interest in being considered for the position, including a resume, should be addressed to Council President Blair Ewing and must be **received** in the Council Office, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland 20850, **no later than 5:00 p.m., Tuesday, September 4, 2001.** It is the Council's policy not to consider applications received after the deadline. After the September 4 closing date, Councilmembers will review the letters of application and select applicants for interviews to be held on September 13 or soon thereafter.

The names of all applicants are published and available for public review, and interviews are conducted in public. A resume of professional and civic experience should be included with letters of application. A financial statement of assets, debts, income, and family property interests will be required of all applicants; only the candidate appointed will be required to make the financial statement available to the public.

APPLICANTS SOUGHT FOR BOARD OF APPEALS

DEADLINE EXTENDED TO 4:00 P.M., September 4, 2001

The Montgomery County Council is seeking additional applicants for a position on the County Board of Appeals for the remainder of the term of Mindy Pittell Hurwitz (Democrat) who has resigned. The term held by Ms. Hurwitz will expire in September 2003. A person appointed to fill a vacancy for an unexpired term must be a member of the same political party as was represented by the member who vacated the office. This position must be filled by a Democrat. Previous applicants for this vacancy will continue to be considered. **Interviews are scheduled for September 10 for those applicants chosen to be interviewed.**

Duties of the Board of Appeals are: (1) hear and decide most applications for special exceptions as provided in the Zoning Ordinance, (2) hear and decide requests for variances from development standards contained in the Zoning Ordinance, and (3) hear appeals from certain administrative decisions rendered by agencies of the County Government.

The Board normally holds weekly hearings all day Wednesday and worksessions on other weekdays. If necessary to accommodate an extended caseload or continued hearings, the Board schedules hearings on other weekdays and on some evenings. Members are expected to prepare for the hearings by reading the cases to be heard and to share the workload of drafting and editing opinions or to follow-up on investigations on specific cases. Members work approximately 15-25 hours a week.

Members of the Board receive \$12,635 annually, with the chairperson receiving \$18,093. Salaries are adjusted annually each December to reflect 50 percent of the change in the Washington Area Consumer Price Index.

The principal jurisdiction of the Board of Appeals (concerning special exceptions and variances under the Zoning Ordinance) does not include the municipalities of Brookeville, Poolesville, Laytonsville, Rockville, Barnesville, Gaithersburg, and Washington Grove. The normal Council practice is not to appoint residents of those municipalities to this Board.

Present Board members are: Donna Barron, (Republican); Angelo Caputo, (Republican); Mindy Pittell Hurwitz (Democrat); Louise Mayer (Democrat), and Donald Spence (Democrat), Chairman. By law, no more than three members of the Board shall be from the same political party. Members of County boards, committees and commissions may not serve on more than one such group at a time.

Letters of application, including a resume, should be addressed to Council President Blair Ewing and must be received in the Office of the Montgomery County Council, Stella B. Werner Council Office Building, 100 Maryland Avenue, Rockville, Maryland 20850, no later than **4:00 p.m., Tuesday, September 4**. It is the Council's policy not to consider applications received after the deadline. A financial statement of assets, debts, income, and family property interests will be required of all applicants.